

REMARKS/ARGUMENTS

The claims in the application are 1-16 and claims 17-20 added by the present amendment.

Favorable reconsideration of the application as amended is respectfully requested.

Claims

The Examiner has rejected claims 1-14, and allowed claims 15 and 16 in paragraph 6 of the Office Action. Claims 17-20 added herein find clear support throughout the present application and drawings.

Priority

In paragraph 1 of the Office Action, the Examiner requested a certified copy of application PCT/AU05/00040 to be filed under 35 USC § 119(b). The present application is a national phase entry of a PCT application, with certified copies of all priority documents having been already been communicated to the International Bureau of WIPO as documented by the attached Form PCT/IB/304. Therefore, it is respectfully requested receipt of the certified copies of both priority documents from the International Bureau of WIPO be acknowledged upon the next official communication from the Patent and Trademark Office (please directly contact the International Bureau of WIPO to obtain these certified copies if not yet received).

In this regard, since the present application is a national phase entry of a priority PCT application, it is respectfully pointed out a certified copy of PCT application PCT/AU05/00040 itself is not required.

Information Disclosure Statement

In accordance with the Examiner's request in paragraph 2 of the Office Action, a clear copy of the reference by Gupta et al. is filed herewith together with another copy of previously-submitted Form PTO-1449. Accordingly, it is respectfully requested Gupta et al be properly made of record in the present application.

Claim Objections

In response to the Examiner's antecedent basis objections in paragraph 3 of the Office Action, claim 6 has been amended to depend on claim 5, and claims 8 and 9 have been amended to recite "a centre-to-centre separation." Claim 5 has also been amended to rearrange order of elements (a formal matter). The objection is respectfully traversed.

Claim Rejections – 35 USC § 112

In paragraph 4 of the Office Action, claims 1-14 were rejected under 35 USC § 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements. The rejection is respectfully traversed.

The Examiner objects that the claims do not particularly recite the structural cooperative relationship between the material and the conducting elements. It is respectfully submitted that this objection does not appear to be justified or sustainable, which will become apparent from the following.

Independent claim 1, as amended, specifies the apparatus comprises "a pair of electrically conducting elements arranged for contacting the material," the material being the substance of which the electrical conductivity is being measured. It is respectfully

pointed out the material itself being measured, neither forms nor is intended to form part of the claimed invention. That the electrically conducting elements are arranged to contact the material establishes the essential structural cooperative relationship of the invention in this regard; further limitation of this cooperative relationship in independent claim 1 is unnecessary.

The pair of electrically conducting elements are further particularized in the dependent claims for specific embodiments of the present invention, but Applicants need not further specify the electrically conducting elements in claim 1 to satisfy the requirements of 35 USC § 112, second paragraph. For example, dependent claims 5 and 17 recite presence of a container for the material being measured with the elements mounted in or on this container. Claims 18-20 added herein further specify the type of container and arrangement of elements with respect thereto.

Therefore, the structural cooperative relationship is clear from claim 1 when read alone and in light of the specification. Accordingly, it is respectfully submitted that claim 1 clearly recites the essential structural cooperative relationship of the elements of the present invention such that claim 1 complies with 35 USC § 112, second paragraph. Since claims 2-14 and 17-20 ultimately depend from claim 1, claims 2-14 and 17-20 also comply with 35 USC § 112, second paragraph.


The art of record has not been applied against the claims and will not be commented further at the present time.

Conclusion

In conclusion, claims 1-20 are not disclosed, suggested or rendered obvious to a person of ordinary skill in the art by the prior art of record and the claims particularly point out and distinctly claim the subject matter regarded by the applicant as the invention.

In light of the above submission, the applicant considers the rejections to be addressed. Accordingly, it is respectfully submitted that the application is now in condition for allowance. Reconsideration and allowance of the application is courteously solicited.

Respectfully submitted,


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